

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

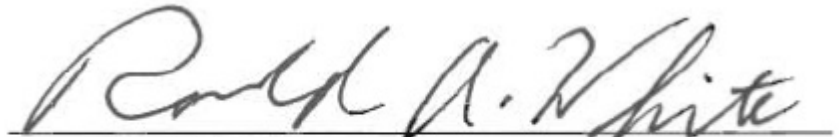
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|------------------------------|---|-----------------------------------|
| MICHAEL JOE WILLIAMS, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Case No. 03-CV-201-RAW-KEW |
| |) | |
| JUSTIN JONES, |) | |
| |) | |
| Respondent. |) | |

OPINION AND ORDER

On September 29, 2010, Magistrate Judge West filed a Report and Recommendation recommending that the petitioner's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be granted, and recommending implementation of the parties' agreed remedy. While appearing before Magistrate West, the parties waived the right to file an objection to the Report and Recommendation within 14 days. Upon review, the recommendation of the Magistrate Judge will be followed.

It is the Order of the Court that the Report and Recommendation of the United States Magistrate Judge is hereby adopted and affirmed as the Order of the Court. Petitioner's habeas corpus petition pursuant to 28 U.S.C. § 2254 is hereby GRANTED. The State of Oklahoma is hereby ordered to release petitioner from custody immediately, based on his time served. Petitioner's Judgment and Sentence for First Degree Murder in the District Court of Okmulgee County Case No. CRF-1997-188 remains a lawful conviction.

IT IS SO ORDERED this 29th day of September 2010.



Ronald A. White
United States District Judge
Eastern District of Oklahoma